IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 53344-M of 2006

DATE OF DECISION : 05.09.2006

Rajinder Khanna

.... PETITIONER

Versus

Raman Khanna

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Atul Lakhanpal, Advocate,
for the petitioner.

* * *

Petitioner Rajinder Khanna has filed this petition under Section 482 of the Code of Criminal Procedure for setting aside the order dated 7.8.2006, passed by Judicial Magistrate Ist Class, Amritsar, whereby his application to adjourn the complaint case pending before the trial court for three months has been dismissed while observing as under :-

> "The accused has produced photocopy of the order of Hon'ble High Court. However, by this order, proceedings have not been stayed before this court. However, the accused has moved an application for adjournment for three months for getting medical treatment of the right eye of the applicant. Perusal of the file shows that this is an act (sic) complaint and the same pertains to the year 1999. Moreover, the case is fixed for defence evidence. So, in the interest of justice, the instant application can not be allowed and hence the same is declined.
>
> Now last opportunity is granted to the accused to adduce his entire defence evidence, if any for 18.8.2006."

2. Counsel for the petitioner contends that the petitioner is suffering from serious eye ailment and for that, he requires special treatment at Chennai, therefore, a prayer was made by him to the trial court to adjourn

the case for three months.

3. After hearing counsel for the petitioner and going through the impugned order, I do not find any illegality in the order passed by the trial court. The petitioner is suffering from eye ailment for the last 12 years and is getting the treatment. From the facts, it appears that on one pretext or the other, the petitioner wants to delay the proceedings as the case is pending before the trial court for defence evidence since 2002. In view of these facts, I am not inclined to interfere in the impugned order.

4. Dismissed.

September 05, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**